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1987

Vol. 36, No. 12, December 2, 1987

University of Michigan Law School

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Recommended Citation

University of Michigan Law School, "Vol. 36, No. 12, December 2, 1987" (1987). *Res Gestae*. Paper 307.
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The Res Gestae

Vol. 36 No. 12

The University of Michigan Law School

December 2, 1987

Senate Suspects Summer Session Sunk

By Paul Czarnota

The Law School Student Senate discussed the rumored cancellation of the summer program at the Law School at its November 30 meeting. President Bruce Courtade announced that he had been asked to attend a meeting this Friday at 3:30 in the Faculty Meeting Room to hear a committee present its recommendations on the program to general faculty. This proposal was first voiced three years ago, but student protest won a temporary reprieve which ended this year.

Courtade told the Senate that, while his inclinations may be wrong, he believes the committee will call for the program's

termination. Senators roundly criticized the possible move and the manner in which the recommendation was formed. Courtade cited the "extra" financial aid the administration says is needed for summer students as a major reason for the axing. He further commented that this explanation was weak.

Two other student will be allowed to attend with Courtade, himself a summer starter. The Senate selected Secretary Bill Bock and 1L rep John Moore, both summer starters themselves. Another meeting will be held the first week back on January 15. Courtade announced that LSSS would meet on Monday, January 11 to organize itself in advance of the meeting.

The Senate also heard reports of a type from its Social and Sports Committees. The Social Committee, who were supposed to give an accounting of its finances after any major event, were appearing for the first time since the budget hearings to ask for money to by a new amplifier for one their speakers. The committee said that it needed a quick allocation to fix the speaker before the first dance of next term.

Spirited debate from the Senators on funding accountability, led by 3L Jeff Crawford and Bock, called on the committee to meet LSSS policy and remake more detailed and more frequent reports to the full Board. This was incorporated in a motion by Laywer's Club 2L rep Danielle

Carr to allocate \$400 to the committee for the anticipated expenditure. \$250 remaining for the amp will come from Committee revenue and sales of leftover parts. The motion passed unanimously.

The Senate also ammended their Election Code to delete all references to the *Res Gestae*. This had been attempted earlier, but due to mistakes in parliamentary procedures was redone Monday.

During the past Senate meeting on November 23, the LSSS selected 2L Joe Girardot to replace Winston Lee on the Michigan Student Assembly. Girardot beat out five other candidates for the spot, and his term will last through May.

Separating Contenders From Pretenders

With the bowl invitations extended and accepted all around, we thought that things would have cleared up substantially in the *RG Football Bowl Contest*. While it has eliminated some people from contention, there are still a number of seers vying for the coveted glory of being king or queen of the hill.

Perhaps the most enlightening way to view the tournament's results so far is to see how people will do if certain scenarios occur. Now since no one in the contest chose either Florida State or Syracuse to win the national championship, either of those occurrences would make ground round of our picks. So we'll only consider the three most favored possibilities (though not necessarily the most likely).

Most folks still in contention have bet on the Oklahoma Sooners to beat Miami in the Orange Bowl and hold onto their number one rating. Leading the pack by a point here is 2L Shep Davis, with 10 points tallied. Davis has the potential of 22 points, banking on victories by OU, Nebraska in the Fiesta Bowl, Notre Dame in the Cotten Bowl and Eastern Michigan in the California Bowl. Close behind with 9 points are 2L Julie Creal and 3L Gary Beren, who, without the help of football guru Harold Hunter, managed to have the same bowl winners still alive at this point. In addition to Davis's choices of OU and Nebraska, Creal and Beren think Auburn will win the Sugar Bowl and San Jose State will defeat EMU in the California Bowl. These two could both score a maximum of 21 points and finish dead even. (The RG sports board has not decided how to resolve this dilemma should it happen, but suggestions have included competitive skydiving, a cage match in the Silverdome and blindfolded bowling.)

Others hoping the Sooners get the national championship include *RG* staffer Paul Czarnota, who along with noted 3L basketball prognosticator Hilde Kahn and 2L Bill Riedman currently have 8 points. Czarnota's one ace in the hole is that he is the only person still in serious contention who picked Michigan State to break Pac-10 dominance in the Rose Bowl. He is also betting on the Sooners, Huskers and Hurons, as is Davis. Davis and Czarnota would tie at 20 points if ND lost to Texas A&M in the Cotten Bowl and Auburn lost in the Sugar Bowl, but Czarnota would win on tiebreaker, that being the one to have picked the most eventual bowl winners. Kahn is riding Auburn, EMU and OU, with a potential total of 18 points. Riedman, also with a top possibility of 18, is counting on the Orangemen in the Sugar Bowl, San Jose State and OU.

In the case that Miami wins the Orange Bowl (and assuming the Hurricanes do not lose to South Carolina on Saturday), the inside track is clearly controlled by 1L Duncan MacDonald, alias Hunter, with 11 points and potentially 25. MacDonald admitted to the *RG* he had Harold's aid, bring Hunter's stable of selections to six. Hunter said, "The funny part is that I did his [MacDonald's] and Orlando's [Smith] as a joke." Smith's entry, with LSU slated as national champ is rather humorous now, but 3L Jeff Bergida is probably not to amused. by the MacDonald choices. Bergida has 9 points, 21 possible, and also has many of the same choices as MacDonald/Hunter. Both entries have Miami winning the Orange Bowl, Florida State beating Nebraska in the Fiesta Bowl (that must be Harold's idea of a joke), and San Jose State. MacDonald also has Clemson picked to win the Citrus Bowl and

ND in the Cotten. Bergida has Texas A&M in the Cotten Bowl. Bergida can only win if all of his choices are correct, and Penn State defeats Clemson in the Citrus Bowl (MacDonald would tie Bergida, but Bergida would win on tiebreakers). 3L Barry Johnson also is a believer in the 'Canes, but his route to first place is clearer. Johnson has Syracuse in the Sugar, as well as Miami and Nebraska. Wins by the Huskers and the Orangemen would give Johnson 21 points (he's currently at 9). That would eliminate Bergida, but MacDonald could still score 23 points with wins by the Tigers and the Fighting Irish.

One last option is the Huskers-pull-one-out-of-their-hat senario. Hunter and 1L Cliff Moore could each score 21 points *potentially*. Without a South Carolina victory on Saturday, however, this prospect is bleak at best. Even in that event, however, both Moore and Hunter chose Syracuse to beat Auburn. Thus, even if everything else goes right for them, Syracuse will likely become #1, and their 17 point total won't secure either them a #1 ranking.

So far, though, it has been an interesting tournament. All of our players have displayed a good knowledge of the

game, but luck has kissed some of the contestants sweetly, and other with all five knuckles. Our sincerest wishes of good luck for all on December 12 and New Year's Day. We'll have the final results when we return from break. Here are the standings by points to date, with the name, points scored/points possible, and National Champion selection.

First Place - 11 Points

Duncan MacDonald, 1L, 11/25, Miami.

Second Place - 10 Points

Shep Davis, 2L, 10/22, OU

Third Place - 9 Points (tie)

Gary Beren, 3L, 9/21, OU; Julie Creal, 2L, 9/21, OU; Harold Hunter, 1L, 9/21, Nebraska; Barry Johnson, 3L, 9/21, Miami; Cliff Moore, 1L, 9/21, Nebraska.

Next Place - 8 Points (tie)

Paul Czarnota, 1L, 8/20, OU; Doug Ellmann, 8/18, Miami. Hilde Kahn, 3L, 8/18, OU; Bill Riedman, 2L, 8/18, OU.



THE SKEPTICAL WEREWOLF.

"My friends are hanging out on Page 3."

Res Gestae

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The Res Gestae is published every Wednesday during the regular school year by students at the University of Michigan Law School. Opinions expressed in bylined articles are those of their authors, and do not necessarily represent the opinion of the editorial staff. Articles may be reprinted without permission, provided that the author and the Res Gestae are credited and notified. Mailing address: University of Michigan Law School, Ann Arbor, MI 48109-1215. Phone: (313) 763-0333.

Flyback Frenzy

THE LAW SCHOOL STUDENT SENATE has embarked on an admirable mission of determining the opinions of the student body. We are pleased that the Senate is polling the students on a variety of issues, such as the use of the Reading Room by non-law students (see last week's editorial).

Well, if the Senate wants student opinions, we've never been known to keep our's to ourselves. The issue is a flyback break during fall semester. The proposal: to schedule a one-week break from classes, during which time students would fly about the country, in the glamorous pursuit of riches and the proverbial "free lunch."

The idea for a flyback break is not new. To our knowledge, it was first proposed in 1981, by then-dean Terry Sandalow. That in itself gives us reason to be suspicious of the current proposal.

But there are other reasons to reject the idea of a flyback break. Scheduling flybacks is often an ad-hoc process, arranged at the same time that the flyback offer is made. Making the flybacks wait until a predetermined week in October or November may not be feasible, or preferable, for the anxious student. Furthermore, one cringes at the thought of having an entire week of flyback interviews.

For those in the first year, or those who do not have many flybacks, the mid-semester break does not accomplish its objective: cutting back on classroom absences.

In 1981, the LSSS was in the forefront in rejecting the flyback break proposal. We would hope that, in 1987, it is not in the forefront of endorsing it.

Summer Secrets

IN ANOTHER PERENNIAL MOVE, the Law School administration apparently is trying to torpedo the summer starter program. It seems like every year, about this time, the administration tests the waters, trying to determine if it will face vocal opposition to its plans to end the summer starter section.

This year, it appears, is no exception. But now it looks as if the Law School is going about the process in a more secretive manner than it has pursued in the past. The LSSS, to its credit, is following these developments closely.

We would not like to see the summer starter program scuttled. We especially don't want the students to offer their input into the decision-making process. We will, of course, be keeping track of this story.

Opinion

Loans & Dollars & Stocks

By Jocko Knappmann

The Financial Aid Office is a wonderful concept, even if they're way up on the fourth floor and Law Review friends of mine complain that they're out of breath by the time they get up there. Every time I tell them I'm broke, they give me more money. Okay, maybe they just loan it, either on a legal or moral repayment obligation, but it's green just the same. Or is it?

When I first started college, I kept strict track of bills. I paid early, even. But things have changed a lot since then. For example, I don't know how much tuition I'm paying this year. My room and board, tuition, and assorted fees are presented on one big bill and scholarships, grants, and assorted credits are added or deducted and then I'm told I immediately owe some portion of that amount, said portion which seems to be randomly determined. The sheer amount (as opposed to sheer amount) of numbers has proven too much for a Poli. Sci. major like me.

A related problem concerns loans. They've piled up, especially since I intend to pay back my parents. (I keep having to borrow from them, even though I take out loans to cover the share the law school says they can afford to pay.) I know, in a pseudo-intellectual sense, that I owe x amount, but it doesn't really mean that much to me in terms of real dollars since I can't even think of starting to pay it back. This attitude translates itself into several seemingly stupid attitudes. Don't bother with trying to justify the tuition bill since I have to pay it anyways. Just give me a loan check with one hand, take it with the other, and tell me where to sign. On the other hand, don't even try to up Diet Faygo to 40 cents a bottle (1/2 litre, 16.9 oz.) or I'll walk to Village Corner where I can not only save a dime, but look over the wine selection and (just to be consistently inconsistent) buy a bottle or two on impulse.

The unreality of it all has forced me to confront a very real reality: The Future. ("Cue Scary Music!") With all of the debts I've managed to accumulate, career options have narrowed. (Let's face it, money is gonna keep me from being an Evidence Prof regardless of me ever figuring out Hearsay with its assorted exceptions and implications so I might as well chuck it and go for the big bucks in Iowa.) I'd like to think that money doesn't matter to me beyond a certain level. But that level goes up thanks to ten years of debt reconciliation staring me in the face. Maybe I should just face up to the truth, get a compulsory license, and cover Cindy Lauper's "Money Changes Everything." Can I get another student loan to cover record production costs?

Another area of monetary thoughts in my life as of late has been the stock market. I've been following the market for the last couple of months for no particular reason. Certainly not because I've got an extra 50 grand laying around and don't know what to do with it. One result of this market-watching is that I think I know more than some people (how's that for sort of hedging) who've invested real money. (Some free advice: Go short on FoMoCo if you're gutsy and can bail out quick. Otherwise stay in cash for now and go for high-grade bonds in January after interest rates go down and the Dow has had a chance to stabilize.)

One thing I've found out is that it doesn't really matter what you find out; the market is completely random. Even if experts buy PPX Enterprises for a certain reason, Aunt June gives you savings bonds simply because she couldn't get a ride to the broker. Diversity is the key to investing only because you're going to be wrong half the time. For everybody who sold stock during Black Monday, somebody out there had to buy it. In short, my real advice (ignore the garbage one paragraph up) is to put the financial pages up on a wall and use red (not yellow (stay away from gold)) darts to pick your investments. Then fix the holes in your wall

Public Interest Not in Family Interest

To the Editor:

I must say, of all the articles in the R.G., my consistent favorites are those written by Jocko. They always flow so subtly between common sense and reason. I always get something valuable out of his insights.

Still, his last theme, "Success is More Than \$\$" (R.G. 11-16-87), invites some comment. The point he makes is well-taken, and is one that needs to be emphasized to most everyone who has ever felt drawn to Room 200—perhaps more to those who have not yet experienced it. Nevertheless, there are some legitimate concerns underlying the apparent worship of the salary that commercial law practice affords.

It is my experience in talking to my peers that we are after high salaries in large part not to buy our first pasta machine or Porsche 911, but to repay our debts to schools, banks, and parents.

The spectre of student-loan debts has a very persistent way of haunting my outlook each time I think about the future. This is particularly true for those of us starting families. I might add, we family or pre-family types, in some sense, know even better than others that success means more than money. Yet money—at least a certain level of income—is often fundamental to providing a decent home and education for one's self and children. We can all debate about what "decent" means, but after three long years of graduate education; having sacrificed other opportunities or cut into what were relatively comfortable mid-life lifestyles; having expended great deals of intellectual and emotional energy, one feels one owes oneself not to have to worry about staving off the bill collector.

We are grown-ups now. Many students no longer can bring themselves to ask their parents for more money, after the thousands often scraped together already. Mom and Dad have put off vacations, liquidated stocks originally

intended for retirement (who will take care of them later?), and tried to provide equivalent undergraduate or graduate educations for our siblings. Indeed, some parents have flatly cut us off for those very reasons. So we rely even more heavily on loans.

Many of us agree with Jocko that some people would be better off if they would alter their definitions of success by emphasizing things other than money. Yet neither should people's visions of success be co-opted by the need for money; not only because individuals will benefit, but because society will also.

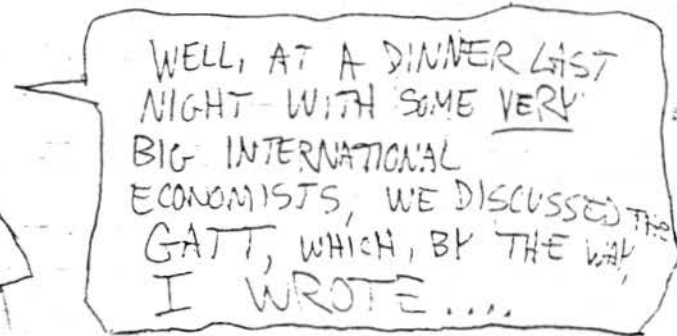
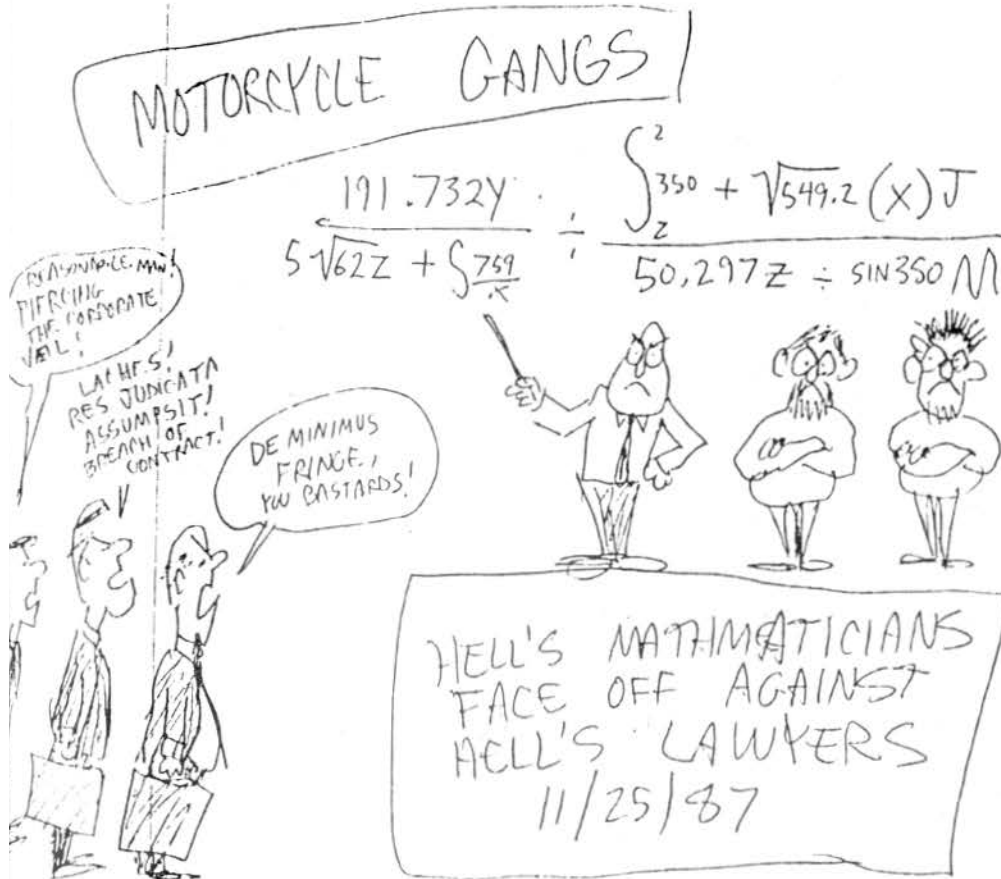
The Law School holds itself out as a catalyst for the good of law students and society. While high-salaried commercial lawyers do their part, fewer and fewer of us will involve ourselves in public service as economic pressure mounts. By contrast to other well-endowed, prestigious law schools, this school's loan-forgiveness program is neolithic. Though the Student Funded Fellowship program is laudable, it is woefully inadequate. Certainly, students could give more to S.F.F., but it would not be enough to stem the flow of talent out of public service or even less lucrative but desperately deficient areas of private practice (e.g. child advocacy).

So, let us not forget that there is more to putting on a red tie than succumbing to peer pressure, or being unimaginative, or measuring success by the dollar. Jocko has, to everyone's benefit, recognized an unpleasant symptom. Yet, as I have indicated, there are some inerrable causes that could be ameliorated but are often overlooked. Certainly, society is becoming more and more materialistic, the more we watch Dynasty and MTV. Though some of us attempt to ignore these influences and seek our own path, we cannot ignore the bill collector. And we're not paying off Gold Cards ... we're paying off GSL's.

Daniel R. Laurence

HOLIDAY CARTOONFEST

All of these drawings are taken directly from Mike Cramer's class notes from throughout this semester



DOUG KAHN AND HIS THIRD-COUSIN GENG-IS GET TOGETHER FOR A DRINK AFTER WORK.

Feature

Cynical Legal Studies Takes Hold

By Bob Mullen

While nearly everyone in the legal community has heard of the CLS (Cynical Legal Studies) movement, very few are capable of precisely stating its foundations. What those familiar with it would surely agree upon is that it's caused virtually no divisiveness at major law schools and poses no threat whatever to the study of law as we know it. It is, in fact, a movement comprised solely of students, and for good reason: the nature of their doctrine prevents them (affectionately known as "cynners") from ever becoming professors, much less vocal. In the end, cynners merely become lawyers, and it is this tendency which bespeaks their fundamental premise: law is a job, as funny or stupid as any other.

Budding cynners usually go to the best law schools they can get into, interestingly, but mostly not for the faggy prestige of it; the idea is to do as little work as possible and still get a good job. "I'm too old to work without getting paid for it," is one frequently expressed cynner sentiment. "I'm a *doer*, not a *reader*, of cases," is another. And cynners are well attuned to a special irony of law school: there is a close link between the quality which makes for a good lawyer—being *not interested* in the sense of having no natural bias or emotional reliance on a case's outcome—and the quality which makes for a cynner—being *uninterested* in nearly every sense.

To come out with a job, then, is the cynner's simple mission. *One* job, preferably; every offer the cynner receives past the first taunts his sense of economic efficiency. The cynner is, above all, a capitalist, maximizing profit per work performed. Receiving multiple offers would say no more to the cynner than she planned slothfully, and so performed *too well*, investing arduous labor to no profit, in a manner distinctly, well, communist. The cynner believes those who work so assiduously as to "write their own ticket" would, in fact, live quite happily under a communist regime, where, as here, all the tickets are nearly the same. The

cynner, for his part, finds it far more efficient to do fifty brief interviews than to learn a few entire courses well every semester. And where some might, for reasons too pitiful to go into, feel guilty as academic slackers, the cynner can't stomach the opposite: "Who's paying who?" is a familiar cynner battle cry. Dreadful enough that she pays to have to work at all; toiling faithfully would rack his conception of cause and effect. And while some might allege the cynner simply has no pride, they aren't completely correct: the cynner secretly does take pride in not letting pride, among other things, get in the way of leading a full, streamlined life. The occasional cynner will insist, moreover, that "The issue is not to what extent should I behave conscientiously, but to what extent should I allow *one discipline* to govern my mindset?"

Consequently, the true cynner is easy to spot. Her typical study habits involve cutting the bold print sentences out of commercial outlines and pasting them all on a page or two. His typical interview question addresses the color of a firm's rug or the view from its windows. (Not that it matters—such questions are used as probes, or even, essentially, as a password to the receptive interviewer.) Her typical grades are completely unrelated to his self-esteem. The typical cynner has so little reverence that she won't even pass in class—he'd rather hear herself say something stupid than let class proceed uninterrupted. This is partly because the typical cynner thinks legal study would most appropriately be relegated to a required undergrad course, much like phys ed.

Though all cynners aren't identical in their beliefs and Cynical Legal Studies in fact represents one end of a broad philosophical spectrum, cynners are quick to distinguish themselves from certain notable types they refer to as "whiners." The average cynner has no sympathy for those who feel law school has not met their expectations; he, in fact, assumed nothing herself and generally ridicules the presumptuous. The

cynner, moreover, truly enjoys hearing others complain about "intense law students"; as he sees it, it's a taste of their own medicine—if they weren't intense shits themselves they wouldn't care a lick about others they presumably can't relate to. And the cynner absolutely cherishes seeing various of her classmates entering careers they'd forsworn as ripe first-years, confirming his heretofore unprovable suspicions. As most cynners will readily point out, "People don't change, they just become less (or more) full of shit"; the truth syrup that fattens all our wallets is certainly one of law school's little treasures for the cynner.

Oh, there may be a bit more to CLS, philosophically, like its ultimate gratitude toward legal education for providing it with the flabby carrion any cynic relies upon for

sustenance, and to the legal profession for holding spaces open for cynners regardless of how much they've kicked it in the ass, and perhaps, approval of its silent contribution to cynicism as a way of life in general. In short, the cynner knows lawyers are an innocuous extravagance of super-civilization, but sees nothing wrong in joining the fun, a time when entrance into "constructive" professions means figuring out new ways to permanently bone humanity. Yeah, the kind practice he'll enter upon graduation may be likened to the pomp and circumstance surrounding any royalty seen from the eyes of countless gaunt peons within the kingdom; but then, Uncle Sam pays Old McDonald to grow food. Destroy crops, employ lawyers. The cynner, well, she marches on, unassuming, happy to be gainfully idle.



HOLIDAY CONCERT

The Headnotes and faculty and graduate students of the Music School will give a concert for the Law School community on Friday, Dec. 4 at 2:30 in the Main Lounge of the Lawyer's Club. A reception will follow.

CONGRATULATIONS

To the Law School Seabs on the victory in the finals of the Intramural Graduate Division Football Championship, 18 - 0 over Beanie's Bombers, another law school team.

Law in the Raw is looking for a few good sports. If you want to write for the one part of the RG that people actually read, drop a note in Doug Graham's pendaflex. No experience required.



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